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UNITED NATIONS CONFERENCE
ON THE LIABILITY OF OPERATORS
OF TRANSPORT TERMINALS IN
INTERNATIONAL TRADE
Vienna, 2-19 April 1991

METHODS OF WORK AND PROCEDURES OF THE CONFERENCE

Memorandum by the Secretary-General

1. The present memorandum relates to the methods of work and procedures of the United Nations Conference on the Liability of Operators of Transport Terminals in International Trade which has been convened in accordance with paragraphs 5 and 6 of General Assembly resolution 44/33 of 4 December 1989. The text of this resolution appears as document A/CONF.152/1. Attention is also directed to the provisional agenda (A/CONF.152/2) and the provisional rules of procedure (A/CONF.152/3). 1/

I. Provisional agenda of the Conference

2. Items 1 to 8 and 12 of the provisional agenda (A/CONF.152/2) refer to the organization of the Conference. Item 9 covers the substance of the work of the Conference in preparing the instruments requested under the above-mentioned resolution of the General Assembly. Item 10 encompasses the adoption of appropriate instruments to embody the results of the Conference. Item 11 refers to the signature of the instruments adopted.

1/ Other documents that have been issued in advance of the Conference include the following: Text of a draft Convention on the Liability of Operators of Transport Terminals in International Trade (A/CONF.152/5) and Background to the draft Convention on the Liability of Operators of Transport Terminals in International Trade (A/CONF.152/6). An additional document containing comments and proposals on the draft Convention on the Liability of Operators of Transport Terminals in International Trade submitted by Governments and international organizations in sufficient time prior to the Conference (A/CONF.152/7) will be issued in advance of the Conference.

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II. Provisional rules of procedure

3. The provisional rules of procedure (A/CONF.152/3) (hereinafter referred to as "the Rules") are modelled on the rules of procedure adopted at other conferences of plenipotentiaries convened by the United Nations, and in particular on the rules of procedure of the United Nations Conference on the Carriage of Goods by Sea (A/CONF.89/3), the United Nations Conference on Contracts for the International Sale of Goods (A/CONF.97/3) and the United Nations Conference for the Adoption of a Draft Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (E/CONF.82/2), codification Conferences whose tasks were in many respects similar to the one assigned to this Conference. Rule 11, specifying the composition of the General Committee of the Conference, takes account of the need for adequate regional representation while maintaining efficiency in the conduct of business. Rule 46 provides for the establishment of two Main Committees which are designated "First Committee" and "Second Committee". Under that Rule, the Conference will determine the matters to be considered by each Committee subject to reallocation as provided in that Rule. Suggestions as to the allocation of matters to the two Main Committees are set forth below (see para. 7, below). Each Main Committee may set up sub-committees or working groups.

4. Rule 29 provides, in accordance with paragraph 5 of General Assembly resolution 44/33, that the basis for consideration by the Conference shall be the draft Convention on the Liability of Operators of Transport Terminals in International Trade (A/CONF.152/5) approved by the United Nations Commission on International Trade Law as contained in the Commission's report on the work of its twenty-second session (A/44/17, annex 1). The Secretary-General will also place before the Conference comments and proposals received in sufficient time prior to the Conference from Governments and international organizations (see note 1/, above).

5. In order to be taken into consideration by the Conference, proposals, including amendments, must be submitted at the Conference, even if they have been submitted previously and included in the compilation of comments and proposals to be issued prior to the Conference (see note 1/ above). It is suggested that such proposals be submitted as early as possible during the Conference in order to permit compliance with the requirements on advance circulation of proposals (see Rule 30).

III. Meetings of the Conference

6. A tentative schedule of meetings of the plenary, the two Main Committees and the Drafting Committee is set forth in the annex to this memorandum. Arrangements have been made for the two Main Committees to meet concurrently during the second week of the Conference. Arrangements have also been made for the Drafting Committee to meet as from Monday of the second week in the evening. The meetings of the Credentials Committee have not been scheduled, but it is suggested that it hold two meetings as appropriate, at a time scheduled for a meeting of another Committee. It is suggested that, as a rule, meetings in the morning be held from 9:30 a.m. to 12:30 p.m., in the afternoon from 2:30 p.m. to 5:30 p.m. and in the evening for three hours. However, it is suggested that the first meeting of the Conference, i.e., on Tuesday, 2 April 1991, commence at 10:30 a.m. No meetings are scheduled on Saturdays and Sundays. (See, however, para. 7, below).

IV. Schedule of work

7. A period of 14 working days, i.e., nearly 3 calendar weeks, has been provided for the examination by the Conference of the draft articles and for the preparation and adoption of a Convention on the Liability of Operators of Transport Terminals in International Trade. It will be noted that the first week begins on Tuesday, 2 April 1991, since 1 April is a United Nations holiday at Vienna. The tentative schedule of meetings of the Conference is based on the assumption that the Conference will conclude its business within 14 working days. However, due to the fact that the first week will begin on a Tuesday, the conference servicing units at Vienna have agreed to service meetings on a Saturday, i.e., two 3-hour meetings on 6 or 13 April or one 3-hour meeting on 6 April and another 3-hour meeting on 13 April, if the Conference so requests. In view of the number of articles to be discussed and the time available, the Conference, under item 8 of the provisional agenda (A/CONF.152/2) entitled "Organization of work", may wish to entrust the First Committee with the consideration of the entirety of the substantive provisions of the draft Convention (i.e., draft articles 1 to 16), and also with draft article 20 entitled "Reservations". 2/ The Second Committee would be entrusted with the remaining draft articles concerning implementation and other final clauses.

8. The first meeting of the plenary of the Conference, commencing at 10:30 a.m. on Tuesday, 2 April 1991, may be expected to deal with the first and second items of the provisional agenda: "1. Opening of the Conference" and "2. Election of the President". The second meeting of the plenary, commencing at 2:30 p.m. on Tuesday, 2 April 1991, may be expected to deal with the following items: "3. Adoption of the agenda"; "4. Adoption of the Rules of Procedure"; "6(a). Appointment of the Credentials Committee" and "8. Organization of work". It is expected that agenda item "5. Election of Vice-Presidents of the Conference and of a Chairman of each of the main committees" can be completed, and item "9. Consideration of the question of the liability of operators of transport terminals in international trade in accordance with General Assembly resolution 44/33 of 4 December 1989" can be commenced, on the morning of Wednesday, 3 April 1991. Since under the Rules the functions of the General Committee include proposing the composition of the Drafting Committee (Rule 47), it is suggested that the General Committee should meet for that purpose as soon as possible during the first week.

9. The First Committee may wish to convene in the morning of Wednesday, 3 April 1991, immediately following a brief meeting of the plenary, to elect a Vice-Chairman and a Rapporteur and to commence its consideration of the draft articles entrused to it. It is expected that the First Committee will find it necessary to meet continuously until Friday, 12 April 1991. On the basis of the tentative schedule of meetings (Annex), the First Committee will have 16 meetings in which to consider draft articles 1 to 16 and 20 of the draft Convention.

2/ Draft article 20 entitled "Reservations" to some extent relates to the substantive provisions of the draft Convention. Consequently, it seems advisable, if time permits, for the First Committee to consider this draft article. The initial allocation of subjects to the Main Committees can be adjusted during the Conference in the light of the progress made by those Committees (see Rule 4[illegible] of the Rules).

10. The Second Committee may wish to convene on the morning of Monday, 8 April 1991, to elect a Vice-Chairman and a Rapporteur and to commence its consideration of the draft articles entrusted to it. On the basis of the tentative schedule of meetings (Annex), the Second Committee will have allotted to it 10 meetings from 8 to 12 April 1991.

11. During the discussions in a Main Committee, representatives may wish to bear in mind the possibility of requesting the Drafting Committee to redraft articles or groups of articles on the basis of the directives given by the Main Committee, and to report back to that Committee. Where appropriate, sub-committees or working groups may be formed for the purpose of proposing solutions in regard to matters on which there is a divergence of views. In view of the technical nature of the subject and in the interest of efficiency, it is suggested that such working groups be kept as small as possible.

12. The Plenary, when establishing the Drafting Committee, may wish to entrust the drafting of a preamble for the Convention to the Drafting Committee with the request that the text so drafted be submitted directly to the Plenary. Similarly, the Plenary may wish to refer the drafting of the Final Act directly to the Drafting Committee, and request the Drafting Committee to submit the text directly to the Plenary.

13. Eight Plenary meetings have been tentatively scheduled (Annex) in the last week of the Conference (15 to 18 April 1991). At these meetings, the Conference would examine the reports of Committees, and would adopt the Convention and the Final Act. The last day of the Conference (19 April 1991) is reserved for the signing ceremony and the closure of the Conference.

ANNEX

Tentative Schedule of meetings for the Conference
(I=First Committee; II=Second Committee; DC=Drafting Committee)

	Morning	Afternoon	Evening
Tuesday, 2 April	Plenary (10:30 a.m.: agenda items 1 and 2)	Plenary (agenda items 3, 4, 6(a) and 8)	-
Wednesday, 3 April	Plenary (agenda items 5 and 9), I	I	-
Thursday, 4 April	I	I	-
Friday, 5 April	I	I	-
Monday, 8 April	I, II	I, II	DC
Tuesday, 9 April	I, II	I, II	DC
Wednesday, 10 April	I, II	I, II	DC
Thursday, 11 April	I, II	I, II	DC
Friday, 12 April	I, II	I, II	DC
Monday, 15 April	Plenary	Plenary	DC
Tuesday, 16 April	Plenary	Plenary	DC
Wednesday, 17 April	Plenary	Plenary	DC
Thursday, 18 April	Plenary	Plenary	DC
Friday, 19 April	Signing ceremony and closure of the Conference		